

## **2011 DRAFTING REQUEST**

### **Bill**

Received: **02/20/2012**

Received By: **rkite**

Wanted: **As time permits**

Companion to LRB:

For: **Amy Sue Vruwink (608) 266-8366**

By/Representing: **Christian**

May Contact:

Drafter: **rkite**

Subject: **Nat. Res. - boats snomos ATVs**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Vruwink@legis.wisconsin.gov**

Carbon copy (CC:) to:

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### **Pre Topic:**

No specific pre topic given

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### **Topic:**

Eliminate private use registration requirements for ATVs

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### **Instructions:**

Eliminate the requirement that ATVs must be registered when operated for "private use". Eliminate all private use registration requirements for ATVs.

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### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			S&L
/1	rkite 02/23/2012	jdyer 02/27/2012	jfrantze 02/27/2012	_____	lparisi 02/27/2012	mbarman 02/28/2012	

FE Sent For:

<END>

at  
intro  
3-19-12

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/?	rkite	2/27 jld	2/27				

FE Sent For:

**<END>**



Wanted Mon. 2/27  
State of Wisconsin  
2011 - 2012 LEGISLATURE



LRB-4155/

RNK:.....

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

In  
2/23

X

Gen

- 1 AN ACT ...; relating to: eliminating registration requirements for all-terrain  
2 vehicles used exclusively for agricultural purposes or used exclusively on  
3 private property.✓

***Analysis by the Legislative Reference Bureau***

Current law prohibits any person from operating an all-terrain vehicle (ATV) unless the ATV is registered by the Department of Natural Resources (DNR) or is exempt from registration. Among the ATVs that are exempt from registration are those that are covered by a valid registration in another state and that are located in this state for a specified limited period of time.

Generally, a person may not operate an ATV on an ATV trail or other established ATV corridor that is open to the public unless the ATV is registered for public use or unless the ATV is exempt from registration. A person who uses an ATV exclusively for agricultural purposes or exclusively on private property is not required to register the ATV for public use but must register the ATV for private use. This bill eliminates the requirement that an ATV that is used exclusively for agricultural purposes or used exclusively on private property be registered by DNR.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 23.33 (2) (a) of the statutes is amended to read:

2           23.33 (2) (a) *Requirement.* No person may operate and no owner may give  
3           permission for the operation of an all-terrain vehicle within this state unless the  
4           all-terrain vehicle is registered for public use ~~or for private use~~ under this subsection  
5           or sub. (2g), is exempt from registration, or is operated with a reflectorized plate  
6           attached in the manner specified under par. (dm) 3. No person may operate and no  
7           owner may give permission for the operation of an all-terrain vehicle on an  
8           all-terrain vehicle route or an all-terrain vehicle trail unless the all-terrain vehicle  
9           is registered for public use under this subsection or sub. (2g).

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51.

10           **SECTION 2.** 23.33 (2) (b) 3g. of the statutes is created to read:

11           23.33 (2) (b) 3g. Used exclusively for agricultural purposes or used exclusively  
12           on private property.

13           **SECTION 3.** 23.33 (2) (d) of the statutes is repealed.

14           **SECTION 4.** 23.33 (2) (g) of the statutes is repealed.

15           **SECTION 5.** 23.33 (2) (ir) 1. of the statutes is amended to read:

16           23.33 (2) (ir) 1. In addition to the applicable fee under par. (c), ~~(d)~~ or (e), each  
17           agent appointed under par. (i) 3. shall collect a service fee of \$3 each time the agent  
18           issues a validated registration receipt under par. (ig) 1. a. The agent shall retain the  
19           entire amount of each service fee the agent collects.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51.

20           **SECTION 6.** 23.33 (2) (ir) 2. of the statutes is amended to read:

21           23.33 (2) (ir) 2. In addition to the applicable fee under par. (c), ~~(d)~~ or (e), the  
22           department or the agent appointed under par. (i) 3. shall collect a service fee of \$5

each time the service under par. (ig) 1. b. is provided. The agent shall remit to the department \$1 of each service fee the agent collects.

**History:** 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51.

**SECTION 7. 23.33 (2g) (a) of the statutes is amended to read:**

**23.33 (2g) (a) Authorization for issuance.** The Lac du Flambeau band may issue registration certificates for public use ~~or private use~~<sup>✓</sup> for all-terrain vehicles that are equivalent to the registration certificates for public use or private use that are issued by the department. The Lac du Flambeau band may renew and transfer a registration certificate that it or the department has issued. The Lac du Flambeau band may issue duplicates of only those registration certificates that it issues under this subsection.

**History:** 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51.

**SECTION 8. 23.33 (2g) (b) 1. of the statutes is amended to read:**

**23.33 (2g) (b) 1.** For issuing or renewing a registration certificate under this subsection, the Lac du Flambeau band shall collect the same fee that would be collected for the equivalent registration certificate under sub. (2) (c)<sup>✓</sup> and ~~(d)~~. For transferring a registration certificate or issuing a duplicate registration certificate under this subsection, the Lac du Flambeau band shall collect the same fee that would be collected for the equivalent service under sub. (2) (e).

**History:** 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51.

**SECTION 9. 23.33 (2g) (b) 3. of the statutes is amended to read:**

**23.33 (2g) (b) 3.** For a registration certificate issued, transferred or renewed under this subsection, the effective period shall be the same as it would be for the

1 equivalent registration certificate under sub. (2) (f) 1. <sup>✓</sup> ~~or (g)~~ or under a rule  
2 promulgated under sub. (2) (f) 2.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51.

3 **SECTION 10.** 23.33 (4) (d) 5. of the statutes is amended to read:

4 23.33 (4) (d) 5. On roadways if the all-terrain vehicle is an implement of  
5 husbandry, if the all-terrain vehicle is used exclusively for agricultural purposes <sup>✓</sup> and  
6 if the all-terrain vehicle is registered for private use under sub. (2) <sup>✓</sup> (d) or (2g).  
7 Operation of an all-terrain vehicle which is an implement of husbandry on a  
8 roadway is authorized only for the extreme right side of the roadway except that left  
9 turns may be made from any part of the roadway which is safe given prevailing  
10 conditions.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51.

11 **SECTION 11.** 23.33 (4) (d) 5. of the statutes is amended to read:

12 23.33 (4) (d) 5. On roadways if the all-terrain vehicle is an implement of  
13 husbandry, if <sup>✓</sup> and the all-terrain vehicle is used exclusively for agricultural purposes  
14 and if the all-terrain vehicle is registered for private use under <sup>✓</sup> sub. (2) (d) or (2g).  
15 Operation of an all-terrain vehicle which is an implement of husbandry on a  
16 roadway is authorized only for the extreme right side of the roadway except that left  
17 turns may be made from any part of the roadway which is safe given prevailing  
18 conditions.

History: 1985 a. 29; 1987 a. 200, 353, 399, 403; 1989 a. 31, 275, 359; 1991 a. 39, 303, 315; 1993 a. 16, 105, 119, 405; 1995 a. 27 ss. 1350 to 1351, 9126 (19); 1995 a. 436, 448; 1997 a. 27, 248, 283; 1999 a. 9; 2001 a. 16, 90, 106, 109; 2003 a. 30, 97, 251, 326; 2005 a. 25, 253, 481; 2007 a. 20 ss. 664m to 666m, 9121 (6) (a); 2007 a. 27, 209; 2009 a. 85, 175, 252, 367; 2011 a. 35, 51.

19 **SECTION 12.** 78.01 (2) (e) of the statutes is amended to read:

20 78.01 (2) (e) Gasoline sold for nonhighway use in mobile machinery and  
21 equipment; other than use in a snowmobile, an all-terrain vehicle that is not  
22 registered for private use exempt from registration under s. 23.33 (2) (d) <sup>✓</sup> (b) 3g. or a

1 recreational motorboat; and delivered directly into the consumer's storage tank in  
2 an amount of not less than 100 gallons.

**History:** 1979 c. 221; 1981 c. 20; 1983 a. 27; 1985 a. 153; 1987 a. 27; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 31; 1991 a. 39, 316; 1993 a. 16, 437; 1995 a. 113; 1997 a. 27, 237; 2009 a. 401.

3 **SECTION 13.** 78.01 (2m) (f) of the statutes is amended to read:

4 78.01 (2m) (f) It is dyed diesel fuel and is sold for off-highway use other than  
5 use in a snowmobile, an all-terrain vehicle that is not ~~registered for private use~~  
6 exempt from registration ✓ under s. 23.33 (2) (d) ~~or (2g)~~ ✓ (b) 3g. or in a recreational  
7 motorboat or if no claim for a refund for the tax on the diesel fuel may be made under  
8 s. 78.75 (1m) (a) 3.

**History:** 1979 c. 221; 1981 c. 20; 1983 a. 27; 1985 a. 153; 1987 a. 27; 1987 a. 312 s. 17; 1987 a. 399; 1989 a. 31; 1991 a. 39, 316; 1993 a. 16, 437; 1995 a. 113; 1997 a. 27, 237; 2009 a. 401.

9 **SECTION 14.** 78.40 (1) of the statutes is amended to read:

10 78.40 (1) IMPOSITION OF TAX AND BY WHOM PAID. An excise tax at the rate  
11 determined under ss. 78.405 and 78.407 is imposed on the use of alternate fuels. The  
12 tax, with respect to all alternate fuel delivered by an alternate fuel dealer into supply  
13 tanks of motor vehicles in this state, attaches at the time of delivery and shall be  
14 collected by the dealer from the alternate fuels user and shall be paid to the  
15 department. The tax, with respect to alternate fuels acquired by any alternate fuels  
16 user other than by delivery by an alternate fuel dealer into a fuel supply tank of a  
17 motor vehicle, or of a snowmobile, an all-terrain vehicle that is not ~~registered for~~  
18 ~~private use~~ exempt from registration ✓ under s. 23.33 (2) (d) ~~or (2g)~~ ✓ (b) 3g. or a  
19 recreational motorboat, attaches at the time of the use of the fuel and shall be paid  
20 to the department by the user. The department may permit any supplier of alternate  
21 fuels to report and pay to the department the tax on alternate fuels delivered into the  
22 storage facility of an alternate fuels user or retailer which will be consumed for  
23 alternate fuels tax purposes or sold at retail.

**History:** 1979 c. 11, 221; 1981 c. 20; 1983 a. 27; 1985 a. 302; 1987 a. 27; 1987 a. 312 s. 17; 1991 a. 39; 1993 a. 16; 1995 a. 113; 1997 a. 27.



1           **SECTION 15.** 78.75 (1m) (a) 2m. of the statutes is amended to read:

2           78.75 (1m) (a) 2m. A person who uses motor vehicle fuel or an alternate fuel  
3           upon which has been paid the tax required under this chapter for the purpose of  
4           operating an all-terrain vehicle, as defined under s. 340.01 (2g), may not be  
5           reimbursed or repaid the amount of tax paid unless the all-terrain vehicle is  
6           registered for private use exempt from registration under s. 23.33 (2) (d) ~~or (2g)~~ (b)  
7           3g.

History: 1973 c. 33; 1977 c. 29; 1979 c. 221; 1981 c. 390 s. 252; 1983 a. 189 s. 329 (33); 1985 a. 29; 1987 a. 27; 1989 a. 31; 1993 a. 16, 437; 1995 a. 113, 408; 1997 a. 27, 291.

8           **SECTION 16.** 78.75 (1m) (a) 3. of the statutes is amended to read:

9           78.75 (1m) (a) 3. Claims under subd. 1. shall be made and filed. The forms shall  
10          indicate that refunds are not available for motor vehicle fuel or alternate fuels used  
11          for motorboats, except motorboats exempt from registration as motor vehicles under  
12          s. 341.05 (20) and motorboats that are not recreational motorboats, or motor vehicle  
13          fuel or alternate fuels used for snowmobiles and that the estimated snowmobile  
14          motor vehicle fuel or alternate fuels tax payments are used for snowmobile trails and  
15          areas. The forms shall indicate that refunds are not available for motor vehicle fuel  
16          or alternate fuels used for all-terrain vehicles unless the all-terrain vehicle is  
17          registered for private use exempt from registration under s. 23.33 (2) (d) ~~or (2g)~~ (b)  
18          3g. and shall indicate that estimated all-terrain vehicle motor vehicle fuel or  
19          alternate fuels tax payments are used for all-terrain vehicle trails and areas. The  
20          forms shall also indicate that refunds are not available for the tax on less than 100  
21          gallons. The department shall distribute forms in sufficient quantities to each  
22          county clerk.

History: 1973 c. 33; 1977 c. 29; 1979 c. 221; 1981 c. 390 s. 252; 1983 a. 189 s. 329 (33); 1985 a. 29; 1987 a. 27; 1989 a. 31; 1993 a. 16, 437; 1995 a. 113, 408; 1997 a. 27, 291.

23                           (END)

**Barman, Mike**

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**From:** Rep.Vruwink  
**Sent:** Tuesday, February 28, 2012 1:44 PM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB 11-4155/1 Topic: Eliminate private use registration requirements for ATVs

Please Jacket LRB 11-4155/1 for the ASSEMBLY.